

IN THE TRIBAL COURT

PUEBLO OF POJOAQUE

STATE OF NEW MEXICO

FILED

Pueblo of Pojoaque
Tribal Court

PUEBLO OF POJOAQUE,
Plaintiff,

3.31.14
Date

[Signature]
Court Clerk

v.

Case No. 14-009-CR

GERALD VIARRIAL,
An enrolled member of Pojoaque,
Defendant.

SEARCH WARRANT

THE PUEBLO OF POJOAQUE
TO ANY OFFICER AUTHORIZED TO EXECUTE THIS WARRANT.

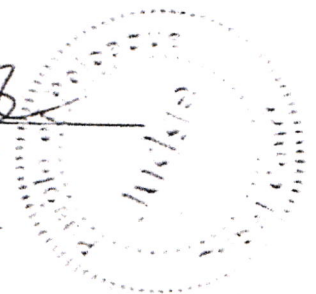
Proof by Affidavit for Search Warrant, having been submitted to me in accordance with §H-24(a)(3)(A) of the Pueblo of Pojoaque Law and Order Code, I am satisfied that there is probable cause that the person named or property described in the Affidavit is located where alleged in the Affidavit and I find that grounds exist for the issuance of the Search Warrant. A copy of the Affidavit is attached and made a part of this Warrant.

YOU ARE HEREBY COMMANDED to search forthwith the person or place described in the Affidavit between the hours of 6:00 a.m. and 10:00 p.m., unless I have specifically authorized a nighttime search, for the person or property described in the Affidavit, serving this Warrant together with a copy of the Affidavit, and making the search and if the person or property be found there, to seize the person or the property and hold for safekeeping until further order of the court.

You are further directed to prepare a written inventory of any person or property seized. You are further directed to file the return and written inventory with the Court promptly after its execution.

[Signature]
Tribal Court Judge

3.31.14
Date



RETURN AND INVENTORY

I received the attached Search Warrant on 31 March 2014 and executed it on the 31st day of March 2014, at PM [a.m.] [p.m.]. I searched the person or premises described in the Warrant and I left a copy of the Warrant with

Gerald Viarrial owner of Black Security Security
in box Serial # BN-334871

(name the person searched or owner at the place of search) together with a copy of the inventory for the items seized.

The following is an inventory of property taken pursuant to the warrant:
 (attach separate inventory if necessary)

Black Security Security Serial # BN-334871 Springfield Armory XD9
Serial # M6992302, 2 Springfield magazines w/56 rounds 9mm Ammo, Smith & Wesson
SW9VE, Serial # DUH4166, 2-10 Round Smith & Wesson mags w/ 20 rounds 9mm Ammo,
Smith & Wesson model 28-S .45 cal, 2-S&W mags w/ 20 rounds, 45 cal Ammo, Raven
AMS-25 AUTO, Serial # 511725

This inventory was made in the presence of Chief Frank Roca,
Sgt W. Bryant, Sgt Tronblaz, D. Cruz (name of applicant for the search warrant) and
Chief Roca, Sgt Bryant, Cpl Lopez, D. Cruz (name of owner of premises or
 property). (If not available, name of other credible person witnessing the
 inventory.)

This inventory is a true and detailed account of all the property taken pursuant to the Warrant.

[Signature]
 Signature of Officer

Not Present

Signature of Owner of
 Property or Other Witness

Return made this 31st day of March, 2014, at 1:15 [a.m.] [p.m.]

[Signature]
 (Judge) (Clerk)

After careful search, I could not find at the place or on the person described, the property described in this warrant.

 Officer

 Date

FILED

Pueblo of Pojoaque
Tribal Court

IN THE PUEBLO OF POJOAQUE TRIBAL COURT
STATE OF NEW MEXICO
COUNTY OF SANTA FE

5.31.14
Date

SG
Court Clerk

PUEBLO OF POJOAQUE
Plaintiff,

Vs.

14-009-CR
Case Number

IN THE MATTER OF AN ISSUANCE

OF A SEARCH WARRANT-A Sentry security fire protected safe, black in color with a key lock on the door of the safe.

Defendant,

AFFIDAVIT FOR SEARCH WARRANT

Affiant, being duly sworn upon his oath, states that I have reason to believe that on the following described item, a black Sentry Safe, which is being held within the Pueblo of Pojoaque Tribal Police Department, in the County of Santa Fe, State of New Mexico is now being concealed:

Facts tending to establish the foregoing grounds for issuance of a Search Warrant are as follows;

Firearms, ammunition of unknown caliber, make or models, ammunition of unknown caliber, ammunition loading and storage devices.

Affiant is a full-time salaried Law Enforcement Officer and has been so for over (25) years. Affiant is presently employed with the Pueblo of Pojoaque Tribal Police Department. Affiant has received training through the New Mexico Law Enforcement Academy as well as advanced training in various fields. Through Affiant's training and experience to include working with fellow law enforcement officers and agencies, Affiant has become familiar and knowledgeable with patterns and methods suspect use to commit various types of crimes.

During the execution of a consent to search of the residence located at #2 Lightning Loop also known as Rt.1 Box 55, on Friday March 28, 2014 within the exterior boundaries of the Pueblo of Pojoaque within Santa Fe County, State of New Mexico. A black Sentry Fire Safe was located in the living room of the above address. When questioned, the owner of the property, Gerald Viarrial stated that the safe contained religious articles and refused to open the safe. The safe was subsequently seized in order to get a Search Warrant to open the safe.

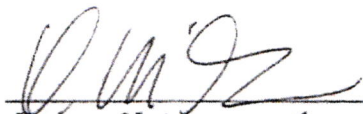
It should be noted that prior to arrival at the house to be searched, the defendant disclosed to Cpl. Jon Lopez that there was a gun in the residence. When questioned Mr. Viarrial said it was in a heater box in the living room. Inside the heater box is where the black safe was located.

On Monday March 31, 2014 Mr. Viarrial was brought into the Police Station awaiting arraignment. While at the station at approximately 11:35 A.M. he asked to speak with affiant, at that point Mr. Viarrial stated that the safe did in fact contain guns but they belonged to his ex-wife Wanda.

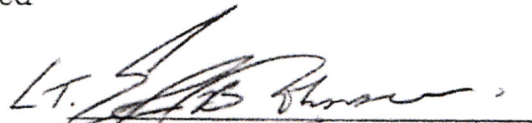
Based on the above provided information affiant prays that probable cause exists for the issuance of a Search Warrant for the Black Sentry Security Safe in order to secure any firearms contained within.

Subscribed and sworn to or declared and
Affirmed to in the above-named County of
The State of New Mexico on this

31st day of March, 2014



Judge, Notary or other officer authorized
to administer oaths.


Signature of Affiant

Lieutenant Eric Johnson
Pojoaque Tribal Police Dept.